

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

NORTHERN DYNASTY MINERALS
LTD. and PEBBLE LIMITED
PARTNERSHIP,

Plaintiffs,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY

Defendant.

Case No. 3:24-cv-00059-SLG

DECLARATION OF BONNIE GESTRING

I, Bonnie Gestring, hereby declare as follows:

1. I am the Northwest Program Director for Earthworks, a non-profit organization dedicated to protecting communities and the environment from the adverse impacts of mineral and energy development while promoting sustainable solutions. I have been an employee of Earthworks for over 20 years. I am familiar with all aspects of Earthwork's mission and activities as they relate to the proposed Pebble Mine. I am also a member of Earthworks.

2. As Northwest Program Director, I work on mining issues throughout Montana, Oregon, Washington, Idaho, and Alaska. My work involves reviewing mine proposals and analyzing permit applications, representing Earthworks and its supporters in public review and comment processes under the National Environmental Policy Act and other federal and state laws, supporting citizens and communities who are adversely affected by mining operations or proposals, promoting more socially and environmentally responsible mining policies and practices, and researching the effects of hardrock mining on land, water, and wildlife. I have authored numerous reports on the adverse effects of hardrock mining, including a 2012 peer-reviewed report on water quality impacts from currently operating U.S. copper mines, entitled, "U.S. Copper Porphyry Mines: The Track Record of Water Quality Impacts Resulting from Pipeline Spills, Tailings Failures and Water Collection and Treatment Failures," a May 2013 report documenting long-term water pollution problems at hardrock mines in the U.S., entitled "Polluting the Future: How Mining Companies are Contaminating Our Nation's Waters in Perpetuity,"

and a 2017 report on the track record of water pollution at operating U.S. gold mines entitled, “U.S. Gold Mines Spills and Failures Report: The Track Record of Environmental Impacts Resulting from Pipeline Spills, Accidental Releases and Failure to Capture and Treat Mine Impacted Water.” I have also authored an analysis of Pebble’s proposed wastewater generation compared to other hardrock mines throughout the U.S., entitled “Pebble Mine: Unprecedented Waste Water Treatment Requirements.”

3. Earthworks evolved from the Mineral Policy Center, which was founded in 1988 by Phil Hocker, Mike McCloskey, and former Interior Secretary Stewart L. Udall to reform mining laws and practices. Earthworks is the only non-profit conservation organization that focuses specifically on hardrock mining, documenting the impacts of mining on federal public lands, water quality, and wildlife; reviewing and commenting on proposed hardrock mining proposals throughout the western U.S.; and promoting state and federal legislation that would better protect the environment from mining impacts. Earthworks achieves its goals by using our expertise to analyze mining proposals, by lobbying state and federal agencies and legislative bodies on behalf of more responsible mining practices and conservation of important ecosystems. Earthworks has approximately 101,590 supporters nationwide, including supporters that work and reside in Alaska’s Bristol Bay.

4. On behalf of its supporters, Earthworks has invested considerable time and resources to protect the Bristol Bay watershed from the adverse effects of the proposed Pebble Mine. I have served as Earthworks’ lead staff person in this work for more than a

decade, reviewing and submitting comments, testifying at public hearings, educating our supporters, presenting information about the impacts of mining at workshops in communities around Bristol Bay, travelling with Bristol Bay community leaders to tour large-scale copper mines from 2008-2012 to better understand the potential impacts that could occur if the Pebble Mine is developed, and other related activities. In response to the 2012 draft Bristol Bay Watershed Assessment, I submitted detailed comments on behalf of Earthworks on July 23, 2012, I testified at the public hearing in Dillingham, Alaska, and I generated comments from our supporters. In response to the 2013 revised Bristol Bay Watershed Assessment, I submitted comments on behalf of Earthworks on June 28, 2014, and I generated comments from our supporters. I also submitted comments on behalf of Earthworks on the Proposed Determination on September 19, 2014, and I testified at the public hearings in Bristol Bay during the week of August 12-14, 2014. In response to the notice to withdraw the proposed determination, Earthworks submitted comments on October 17, 2017. Earthworks has also been involved in reviewing the permit application and submitting comments as part of the National Environmental Policy Act (NEPA) review for the proposed Pebble Mine. Earthworks submitted scoping comments on June 29, 2018, and I testified at the public hearing in Anchorage on April 16, 2019. In conjunction with other conservation organizations, Earthworks submitted extensive comments on the Draft Environmental Impact Statement (Draft EIS) on July 1, 2019. We also hired a fisheries biologist, aquatic ecologist and a wetlands expert to submit technical comments as part of the Draft EIS process. On

September 6, 2022, Earthworks submitted comments on the revised Proposed Determination. We endorsed print ads urging the Environmental Protection Agency's (EPA) to complete the 404(c) process in May 2022 and issued a statement in support of EPA's final determination on January 31, 2023.

5. Earthworks' supporters include a broad spectrum of citizens, including birders, hikers, subsistence users, recreationists, wildlife viewers, hunters and anglers. Our supporters in Bristol Bay use waters and land downstream from the Pebble Mine, within the Bristol Bay watershed, and adjacent areas for commercial fishing, subsistence hunting and fishing, traditional or cultural practices, wildlife viewing, and recreation.

6. Earthworks communicates regularly with our supporters through social media (Facebook posts and Twitter), quarterly newsletters, and blogs. We also send action alerts to our supporters to alert them of developments and advise them of opportunities for public comments.

7. Earthworks' staff and supporters rely on Earthworks to represent their interests in issues affecting the Bristol Bay watershed, its lands and waters, and the people, fish, wildlife, and other natural resources that rely upon them.

8. Earthworks has devoted considerable time and resources towards protecting Alaska's Bristol Bay from the proposed Pebble Mine because the watershed supports the largest and most productive wild sockeye salmon fishery on earth, and its Chinook salmon runs are frequently at or near the world's largest. The Bristol Bay watershed is remarkable as one of the last places on Earth with such bountiful and sustainable harvests

of wild salmon. It is an unparalleled ecological value, boasting salmon diversity and productivity unrivaled anywhere in North America. Earthworks is also dedicated to protecting Alaska Bristol Bay because the predominant Alaska Native cultures in the region - Yup'ik and Dena'ina – are two of the last intact, sustainable, salmon-based cultures in the world. These communities rely on the Bristol Bay watershed and the salmon fishery for their economic and cultural well-being. According to the EPA, one of the main factors leading to the success of this fishery is the fact that the aquatic habitats in the Bristol Bay watershed are untouched and pristine, unlike the waters that support many other fisheries. Earthworks values the Bristol Bay rivers, streams and wetlands—and the fishery that they support—for their importance to national and global salmon conservation efforts, and because these salmon are keystone species that influence the survival of other wildlife, including orcas, bears, seals, beluga whales, and numerous other important species. The salmon migrations bring important nutrients to the watershed, benefiting many other species. Any loss in salmon or salmon habitat would harm these important resources.

9. Any decision to overturn EPA's Final Determination, and potentially clear the way for the Army Corps of Engineers to permit the Pebble Mine, threatens harm to Earthworks and our supporters. Earthworks and our supporters value the Bristol Bay watershed and the vital salmon habitat that it provides to the Bristol Bay salmon fishery. These phenomenal resources are central to the cultural and economic well-being of the region. They provide food security, and unparalleled opportunities for recreation,

wildlife viewing, tourism, and scenic enjoyment. EPA's own peer-reviewed scientific assessment, the Watershed Assessment, determined that large-scale mining will irrevocably destroy salmon and salmon habitat within the Bristol Bay watershed. EPA's Final Determination, and the limitations it established on mining waste discharges into streams and wetlands of the Bristol Bay watershed, ensures that the Pebble Mine will not be authorized under the Clean Water Act as it exceeds those limits that EPA determined, after years of peer-reviewed scientific analysis, were essential to protect the salmon fishery from adverse impacts from large-scale mining. Without these limits, Northern Dynasty could be authorized to destroy more than 8 linear miles of anadromous streams, over 90 miles of salmon supporting streams, and 2,100 acres of wetlands – which EPA's own scientific review concluded would have an unacceptable adverse effect on salmon and salmon habitat in the Bristol Bay watershed. As soon as these protections were abandoned, Northern Dynasty's stock value nearly doubled, signaling that the financial markets recognized the increased likelihood that the Pebble Mine will be developed, and casting a tangible pall on the future of the Bristol Bay watershed and its fishery. Any action that overrules EPA's Final Determination creates a significant risk of harm to Earthworks and our supporters, who care deeply about and rely upon the long-term health, productivity, cultural significance and unparalleled reputation of the Bristol Bay salmon fishery.

10. EPA's Final Determination prevents an inappropriate mine plan to advance that would destroy lands and streams that provide habitat to fish and wildlife that our

supporters value for food, for beauty, for their cultural significance, for their economic contribution to the region and for their ecological importance to the other wildlife within the region.

11. I have spent time in Alaska's Bristol Bay on numerous occasions since 2005, with visits to many of the local communities including Naknek, Levelock, Ekwok, Clark's Point, Nondalton, Dillingham, Aleknagik, Igiugig, Kokhanok, Togiak, New Stuyahok and Iliamna. I have travelled by boat up the Nushagak River, where I marveled at the tremendous sockeye salmon runs, and viewed brown bears and eagles that were feasting on the salmon. I have flown over the Mulchatna, Nushagak and Koktuli rivers and viewed beluga whales consuming wild salmon at the mouth of the Nushagak. I have spent time in Dillingham with Alaska Native friends, helping with subsistence harvesting of salmon and enjoying subsistence-based meals. I have spent time in Lake Clark National Park where I enjoyed the spectacular scenery and the area's wilderness qualities. I travelled by small plane over the proposed Pebble Mine site to understand where the various mine facilities would be located, and what lands and waters would be lost as a result of the mine footprint. There are very few places left in the United States, let alone the world, with undeveloped, intact major river systems. The annual salmon migrations are a miracle of nature, and I feel incredibly fortunate to have experienced it. I will personally be harmed if the Pebble Mine is developed because the mine's development will permanently destroy lands and waters that I value and will forever degrade the wild and intact river systems that support the Bristol Bay salmon fishery.

I declare under penalty of perjury that the foregoing declaration is true and correct.



Dated: April 16, 2024

By: _____
Bonnie Gestring